

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.12601 Definitions.

Sec. 12601.

(1) As used in this part:

(a) "Casino" means that term as defined in section 2 of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.202. Casino does not include a casino operated under the Indian gaming regulatory act, 25 USC 2701 to 2721.

(b) "Child caring institution" and "child care center" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(c) "Cigar" means any roll of tobacco weighing 3 or more pounds per 1,000, which roll has a wrapper or cover consisting only of tobacco.

(d) "Cigar bar" means an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.

(e) "County medical care facility" means that term as defined in section 20104.

(f) "Educational facility" means a building owned, leased, or under the control of a public or private school system, college, or university.

(g) "Food service establishment" means a food service establishment as defined in section 12905.

(h) "Health facility" means a health facility or agency licensed under article 17, except a home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(i) "Home for the aged" means that term as defined in section 20106.

(j) "Hospice" means that term as defined in section 20106.

(k) "Hospital long-term care unit" means that term as defined in section 20106.

(l) "Meeting" means a meeting as defined in section 2 of the open meetings act, 1976 PA 267, MCL 15.262.

(m) "Motor vehicle" means that term as defined in section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

(n) "Nursing home" means that term as defined in section 20109.

(o) "Place of employment" means an enclosed indoor area that contains 1 or more work areas for 1 or more persons employed by a public or private employer. Place of employment does not include any of the following:

(i) A structure used primarily as the residence of the owner or lessee that is also used as an office for the owner or lessee and for no other employees.

(ii) A food service establishment that is subject to section 12905.

(iii) A motor vehicle.

(p) "Public body" means a public body as defined in section 2 of the open meetings act, 1976 PA 267, MCL 15.262.

(q) "Public place", except as otherwise provided in subsection (2), means any of the following:

(i) An enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a meeting place for a public body, including an office, educational facility, home for the aged, nursing home, county medical care facility, hospice, hospital long-term care unit, auditorium, arena, meeting room, or public conveyance.

(ii) An enclosed, indoor area that is not owned or operated by a state or local governmental agency, is used by the general public, and is any of the following:

(A) An educational facility.

(B) A home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(C) An auditorium.

(D) An arena.

(E) A theater.

(F) A museum.

(G) A concert hall.

(H) Any other facility during the period of its use for a performance or exhibit of the arts.

(iii) Unless otherwise exempt under this part, a place of employment.

(r) "Smoking" or "smoke" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance that contains a tobacco product.

(s) "Smoking paraphernalia" means any equipment, apparatus, or furnishing that is used in or necessary for the activity of smoking.

(t) "Tobacco product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in

section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.

(u) "Tobacco specialty retail store" means an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

(v) "Work area" means a site within a place of employment at which 1 or more employees perform services for an employer.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles of this code.

History: Add. 1986, Act 198, Eff. Jan. 1, 1987 ;-- Am. 1988, Act 294, Eff. Oct. 1, 1988 ;-- Am. 1988, Act 296, Eff. Mar. 30, 1989 ;-- Am. 1988, Act 315, Eff. Mar. 30, 1989 ;-- Am. 2009, Act 188, Eff. May 1, 2010

Compiler's Notes: For transfer of certain powers and duties of the center for health promotion and chronic disease prevention from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

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